



DEPARTMENT OF THE NAVY

NAVAL SEA SYSTEMS COMMAND
1333 ISAAC HULL AVENUE
WASHINGTON NAVY YARD DC 20376-2101

IN REPLY REFER TO

5720

Ser SEA 00A5/DON-NAVY-2016-003645F

June 6, 2017

Ms. Anne Revas
Bright Lights USA
145 Shreve Avenue
Barrington, NJ 08007

SUBJECT: YOUR FREEDOM OF INFORMATION ACT CASE DON-NAVY 2016-003645

Dear Ms. Revas:

This is a final response to your February 18, 2016, Freedom of Information Act (FOIA) request for parts and drawings as described in your request attached.

A thorough search of this Headquarters files was conducted, specifically those files located within the Acquisition and Commonality Directorate (SEA 06). Knowledgeable personnel with that office researched and reviewed the requested information the Navy Ships Engineering Drawing Repository (NSED) and determined that based on the Distribution D markings, it can only be released to the approved Department of Defense contractor that is currently working on that contract. Based on the information provided by you in your request, your company does not meet the criteria.

I considered your request under the FOIA, 5 U.S.C. 552, as amended, and Secretary of the Navy Instruction 5720.42F. While it is noted that this type of data has been routinely released to you in the past under the FOIA, the source of the technical data has changed and is now identified as "Distribution D." As such, I am denying the release of this data under exemption (b)(3). Exemption 3 requires the withholding of information prohibited from disclosure by another statute provided that the statute "(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue or (B) establishes a particular criteria for withholding or refers to particular types of matters to be withheld."

10 U.S.C. 130 and the Department of Defense (DoD) implementing directive, DoD Directive 5230.25, prohibit the disclosure of technical data with military or space application in the possession of, or under the control of, the Department of Defense, if such data may not be exported lawfully outside the United States with an approval, authorization, or license under the Arms Export Control Act. 10 U.S.C. § 130 is an exemption 3 statute.

Since the data you have requested is now prohibited from public disclosure for the reasons stated above, I am denying your request.

I am the official responsible for this decision. You may submit a written administrative appeal of my decision. Should you decide to file an appeal, it must be received within 90 calendar days from the date of this letter and should contain a copy of your original requests, a copy of this letter, and a statement indicating why you think your appeal should be granted. Attach a copy of this letter to the appeal and mark the appeal and the envelope, "Freedom of Information Act Appeal." Mail the original to the Department of the Navy, Office of the General Counsel, Attn: FOIA APPEALS, 1000 Navy Pentagon, Room 5A532, Washington, DC 20350-1000. Please mail a copy of the appeal to:

Commander
Naval Sea Systems Command (SEA 00A5)
1333 Isaac Hull Ave SE
Washington Navy Yard, DC 20376-1021

As an alternative to filing an appeal, you may seek Alternate Dispute Resolution (ADR). You may submit your request for ADR either to DONFOIA-PA@navy.mil or you can call the Navy FOIA Service Center at 202-685-0214 or via the following address:

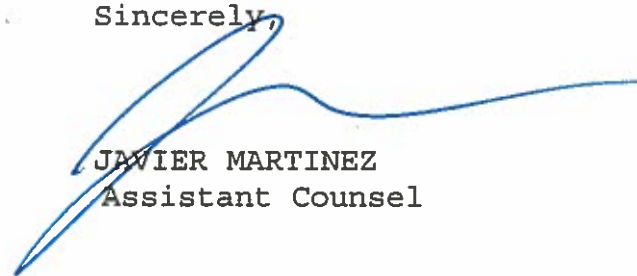
Chief of Naval Operations (DNS-36)
Attn: FOIA/PA Service Center
C/O - Head, SECNAV/CNO FOIA/PA Program Office
2000 Navy Pentagon
Washington, DC 20350-2000

If you have any questions concerning the processing of your request, please contact Ms. Ginger Dolan, at 202-781-3359. I am the official responsible for this decision. You may submit a written administrative appeal of my decision.

Fees for processing your request were below the threshold for requiring payment; however, fees are assessed on a case-by-case basis and you may be charged fees on future requests.

If you have any questions concerning the processing of your request, please contact Ms. Ginger Dolan, at 202-781-3359.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JAVIER MARTINEZ', is written over the typed name.

JAVIER MARTINEZ
Assistant Counsel

Request Details

Status : Assignment Determination Due Date : N/A

0 (Never Started)

complex
Ginger
received
2-24-16
commercial

Submitted

Evaluation

Assignment

Processing

Closed

Tracking Number : DON-NAVY-2016-003645

Requester : Anne Revas

Organization : Bright Lights USA

Requester Has Account : Yes

Email Address : anner@brightlightsusa.com

Phone Number : 856-546-5656

Fax Number : 856-546-9191

Address : 147 Shreve Ave

City : Barrington

State/Province : NJ

Zip Code/Postal Code : 08007

Submitted Date : 02/18/2016

Last Assigned Date : 02/24/2016

Fee Limit : \$100.00

Request Track : Simple

Due Date : N/A

Assigned To : Ginger Dolan (Naval Sea
Systems Command

Headquarters - Washington, DC)

Last Assigned By : Donna Hamlin (Naval Sea
Systems Command

Headquarters - Washington, DC)

Submission Details

Case File

Admin Cost

Assigned Tasks

Comments (0)

Review

Request Handling

Requester Info Available to
the Public : No

Request Track : Simple

Fee Category : Select Fee Category

Fee Waiver Requested: No

Fee Waiver Status: N/A

Expedited Processing No
Requested :

Expedited Processing Status : N/A

Request Perfected : No

Appellate Authority : Select Auth

Acknowledgement Sent Date:

Unusual Circumstances : No

5 Day Notifications: No

Litigation : No

Request Description

Short Description :

We are requesting drawing 6619930, cage code 53711, nsn 5998-01-376-7216, description circuit card assy

Description Available to the
Public : NoHas Description Been
Modified?

Additional Information

Case # :

Name of Local Command :

Contract/Sol.# :

Limit Request To Clearly
Releasable Info : Select Limit Request To Clearly Releasable Info

2016 F 000167

NAVAL SEA SYSTEMS COMMAND

FREEDOM OF INFORMATION ACT OFFICE

REQUEST NO. DON NAVY 2016 003645

DATE RECEIVED: 2 24 16

DATE DUE: 3 24 16

Attached Supporting Files

Attachments Available to the Public : **No** 

Attached File	Type	Size (MB)	Remove
<i>Copy of DD 2345 Form for Bright Lights USA Inc.pdf</i>	PDF	0.03	

Upload Supporting Files

No attachments have been added.